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ACTUATE CORPORATION
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 ACTUATE CORPORATION, a Delaware
corporation,

13 Plaintiff,
14

15 v.

16 WASHINGTON MUTUAL BANK, a
Washington corporation,

17 Defendant.
18

Case No. C08-2918 SI

**[PROPOSED] ORDER GRANTING
PLAINTIFF ACTUATE CORPORATION'S
MOTION TO STRIKE AFFIRMATIVE
DEFENSES**

[Fed.R.Civ.P. 12(f)]

Date: October 17, 2008

Time: 9:00 a.m.

Place: Courtroom 10

Judge: Susan Illston

Complaint Filed: June 11, 2008

Trial Date: None Set

1 This matter having come before the Court on the Motion of plaintiff Actuate Corporation
2 for an Order striking affirmative defenses one through twelve and fourteen through eighteen, set
3 forth in the Answer to Complaint for Breach of Contract and Copyright Infringement ("Answer")
4 filed by defendant Washington Mutual Bank;

5 AND, the Court having read the Notice of Motion and Motion, the memorandum of points
6 and authorities submitted in support of the motion, the complete files and records in this action,
7 and the arguments of Counsel;

8 AND, good cause appearing;

9 **IT IS HEREBY ORDERED THAT:**

10 1. Actuate's motion to strike the first, second, third, fourth, fifth, sixth, seventh,
11 eighth, ninth, tenth, eleventh, twelfth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth
12 affirmative defenses set forth in the Answer, is granted.

13
14
15 Dated: _____, 2008

By: _____
Honorable Susan Illston
United States District Judge